

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00156

MILFORD HUBERT GORDON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 19, 2016, the United States of America appeared by Jennifer Rada Herrald, Assistant United States Attorney, and the defendant, Milford Hubert Gordon, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendments thereto submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a two-year less one day term of supervised release in this action on March 18, 2016, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on August 4, 2015.

The court heard the admissions of the defendant, the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on April 28 and May 5, 2016, for amphetamine and methamphetamine; a positive urine specimen submitted by him on May 13, 2016, for morphine, amphetamine and methamphetamine; the defendant's admission to the probation officer on May 16, 2016, that he used methamphetamine intravenously approximately seven times during the previous month; the defendant's admission to the probation officer on June 27, 2016, that he used marijuana, methamphetamine and heroin within the previous three days; and the defendant's admission to the probation officer on November 17, 2016, that he used heroin and methamphetamine, the defendant having also signed a voluntary admission for confirming his drug use; (2) the defendant failed to attend outpatient treatment sessions as directed on April 14 and 22, May 27, and June 20, 2016; and (3) the defendant failed to report for urine collections as directed on April 22, May 27 and June 3, 2016; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and

amendments thereto. The court was unable to find by a preponderance of the evidence that the defendant failed to abide by the special condition that he reside at the Life Changers' Community Outreach Center for a period of 12 months for the reasons more fully set forth on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

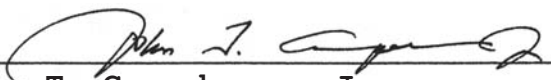
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of sixteen (16) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated

by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he make himself available for drug abuse counseling and treatment in a minimum six-month residential program comparable to that available at Recovery Point or Four Seasons, or, if the defendant so chooses, participate in the residential faith-based program administered through Union Mission for a period of one year.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 29, 2016


John T. Copenhaver, Jr.
United States District Judge